

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOINT MOTION FOR REASSIGNMENT AND CONSOLIDATION OF CASES

The United States of America and defendant Albert Gonzalez, by and through their respective undersigned counsel, file this Joint Motion For Reassignment and Consolidation of Cases.

In a series of three cases, Defendant Albert Gonzalez was charged in federal courts in the District of Massachusetts, the Eastern District of New York and the District of New Jersey with a course of computer-based crimes between 2003 and 2008, frequently targeting corporate repositories of credit and/or debit card information. While the circumstances of the three cases differed, as did the charged conducts' victims, the cases' factual predicates overlapped in significant respects.

The United States Attorney's Office for the District of Massachusetts, The United States Attorney's Office for the Eastern District of New York and the defendant agreed in August, 2009, to transfer the case then pending in the Eastern District of New York to the District of Massachusetts for the purpose of plea and sentencing, pursuant to Fed. R. Crim. P. 20. The case indicted in the District of Massachusetts (08CR10223) and the case transferred from New York (09CR10262) were both drawn to Judge Saris and are scheduled for sentencing before her on

December 21, 2009.

The United States Attorney's Office for the District of New Jersey and the defendant now also have entered into a plea agreement. They have requested, and the U.S. Attorney's Office for the District of Massachusetts has agreed to, a Rule 20 transfer of this final, related case to this district as well. The case was transferred on December 8, 2009, and United States v. Gonzalez 09-626-JBS, formerly pending in the District of New Jersey, has been assigned case number 09CR10382 and drawn to Judge Woodlock.

Pursuant to Local Rule 40.1(I)&(J), the parties hereby move the Court to transfer and consolidate case number 09CR10382 (the New Jersey case) with cases 08CR10223 and 09CR10262 (the cases already together here) for the purpose of plea and sentencing. It is in the interest of justice that a single judge sentence the defendant for the related conduct charged in the three cases if possible.

Respectfully submitted,

By: /s/ Stephen P. Heymann
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/s/ Martin Weinberg
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Counsel for defendant
Albert Gonzalez

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Stephen P. Heymann

Stephen P. Heymann

Assistant United States Attorney

Date: December 8, 2009